

PTO/SB/21 (08-03)

Approved for use through 07/31/2008, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/724,551	
	Filing Date	November 28, 2000	
	First Named Inventor	Schenk, Dale B.	
	Art Unit	1647	
	Examiner Name	Christopher J. Nichols	
Total Number of Pages In This Submission	6	Attorney Docket Number	15270J-004764US

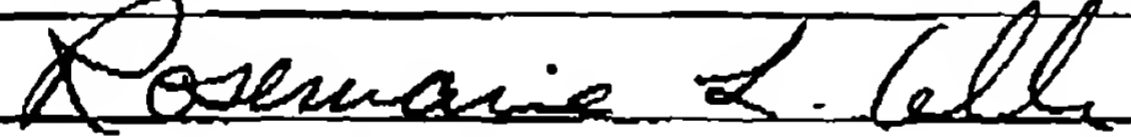
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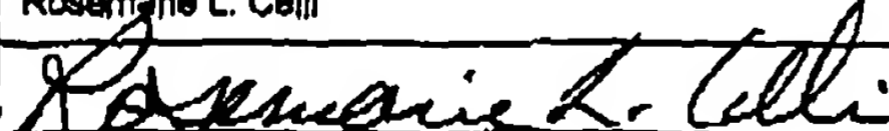
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ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form (PTO/SB/17) (1 p. submitted in duplicate) <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer (over 09/724,552) (3 pages) <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below).
Remarks	The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.	
The attached Terminal Disclaimer, which disclaims U.S. Application No. 09/724,552, is being filed for purposes of expediting prosecution and should not be construed as an acquiescence to obviousness type double patenting.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Townsend and Townsend and Crew LLP Rosemarie L. Celli	Reg. No. 42,397
Signature		
Date	November 14, 2003	

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, Fax No. (703) 872-8306 on November 14, 2003		
Typed or printed name	Rosemarie L. Celli	
Signature		Date November 14, 2003

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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80082613 v1

PTO/SB/17 (10-03)
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Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 110

Application Number	09/724,551
Filing Date	November 28, 2000
First Named Inventor	Schenk, Dale B.
Examiner Name	Christopher J. Nichols
Art Unit	1647
Attorney Docket No.	15270J-004764US

METHOD OF PAYMENT (check all that apply)
☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:Deposit
Account
Number

20-1430

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The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee
to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims		Fee from below		Fee Paid
Total Claims	<input type="text"/>	***	=	<input type="text"/>	X <input type="text"/>	= <input type="text"/>
Independent Claims	<input type="text"/>	***	=	<input type="text"/>	X <input type="text"/>	= <input type="text"/>
Multiple Dependent				X <input type="text"/>		= <input type="text"/>

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	88	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	60	2052	25	Surcharge - late provisional filing fee or cover sheet	
1253	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	95	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	280	2403	148	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,930	2453	866	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	540	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Sheet	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) 1.20 (d) Statutory (Terminal) Disclaimer Fee

110

*Reduced by Basic Filing Fee Paid SUBTOTAL (3)

(\$)110

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)

Rosemarie L. Celli

Registration No. (Attorney/Agent)

42,397

Telephone

650-326-2400

Signature

Date

November 14, 2003

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TOWNSEND and TOWNSEND and CREW LLP

By: 
Rosemarie L. Celli

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No.	:	09/724,551	Confirmation No. 7121
Applicant	:	Schenk	
Filed	:	November 28, 2000	
TC/A.U.	:	1600/1647	
Examiner	:	Nichols	
Docket No.	:	15270J-004764US	
Customer No.	:	20350	

Technical Center 1600
Commissioner for Patents
Alexandria, VA 22313

TERMINAL DISCLAIMER

Sir:

The undersigned is an authorized representative of Neuralab Limited (hereinafter "ASSIGNEE") and attorney of record in the above-identified patent application. ASSIGNEE is the assignee of total interest of:

1. Application No. 09/724,551 (the "'551 APPLICATION")
2. Application No. 09/724,552 (the "'552 APPLICATION")

SCHENK, Dale B.
Application No.: 09/724,551
Page 2

PATENT

ASSIGNEE is the exclusive owner of the '551 APPLICATION and the '552 APPLICATION. ASSIGNEE disclaims the terminal part of any patent granted on the '551 APPLICATION which would extend beyond the last day of the full statutory term of the '552 APPLICATION.

Further, ASSIGNEE agrees that any patent granted on the '551 APPLICATION shall be enforceable only for and during the period that the legal title to the patent granted on the '551 APPLICATION shall be the same as the legal title to the '552 APPLICATION and agrees that this Terminal Disclaimer shall run with any patent granted on the '551 APPLICATION and shall be binding on the grantee or its successors or assigns.

In making the above disclaimer, ASSIGNEE does not disclaim the terminal part of any patent granted on the '551 APPLICATION that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the '552 APPLICATION, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

This disclaimer is directed to patents issuing from the indicated '551 APPLICATION only and is not intended to act as a disclaimer of any part of the statutory term of any patent issuing from a divisional or continuation application that claims priority to either the '551 APPLICATION or to use the term of such a patent issuing from a divisional or continuation application in calculating the term of the present '551 APPLICATION.

The assignment documents evidencing title referred to above have been reviewed by the undersigned, and it is certified that title is in the ASSIGNEE.